

60,137-238; 445-3115-U

REMARKS

Applicant has amended this application to better focus the independent claim 1, and to correct an error in the language of the claim. In the prior amendment, the notches were inadvertently recited as being in the intermediate member, when in fact they are in the knob. Claim 1 has been amended to correct this error. Further, claim 1 has been amended to make clear that the apex lobe is stiffer than each of the side lobes. These limitations were originally found in prior claim 6.

With regard to claim 6, the examiner's rejection over the Keeler reference as anticipating the claim is contested. First, the Keeler reference does not have an intermediate member with "an inner bore to receive a shaft from a dimmer switch." Further, the Keeler reference says nothing about its apex lobe being generally stiffer than each of the side lobes. The examiner argues that the central slot 114 would make the side lobes less stiff than the central lobe 20. However, there is nothing that would show this within the Keeler reference. Each side lobe must be less stiff.

Applicant had objected to the rejection since Keeler is simply an insulated handle that would only have application with a heated valve, and that it would have no application with a dimmer switch. In response, the examiner points to the *In re Schreiber* decision of the Federal Circuit. *In re Schreiber* affirmed a rejection of an oil can funnel, for claims to a funnel top for popcorn. The claim had functional language in it, and the Court affirmed the rejection over the oil can funnel, holding it was "inherently capable of dispensing popcorn" and thus the limitations were met. However, the claims in *In re Schreiber* did not talk about the size of popcorn, etc. This case is inopposite to the present invention. The present invention requires an inner bore and an intermediate member to receive a shaft from a dimmer switch. Keeler is not sized nor constructed to do so.

Regardless, Keeler certainly cannot meet claims 10 and 12-20, which require a plurality of intermediate members, with "each having a central bore design to receive a particular dimmer switch shaft" (claims 10 and 19). The examiner points to the second embodiment shown in Figure 5 of Keeler as providing "a plurality of intermediate members." However, these

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intermediate members are not sized to conform to different dimmer switch shafts or even different valve shafts. Instead, the second embodiment appears to relate to distinct knobs.

Simply, this is a close art, and there is nothing within the Keeler reference which can properly reject any of the claims, but certainly not claims 10 and 12-20.

Reconsideration of all rejections is in order and allowance of all claims is requested.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

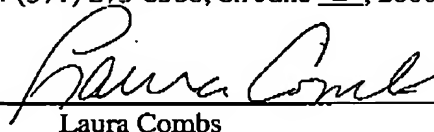


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on June 5, 2006.


Laura Combs